

Senate Bill No. 732

CHAPTER 256

An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

[Approved by Governor September 1, 2003. Filed
with Secretary of State September 2, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 732, Soto. Cockfighting.

Existing law makes it a misdemeanor to aid, abet, or be present at a cockfight; to own, possess, keep, or train any cock with intent that it be used for fighting; or to manufacture, buy, sell, or possess cockfighting implements.

This bill would instead provide that these offenses are punishable as a misdemeanor by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$5,000, or by both that imprisonment and fine. This bill would also specify that a 2nd or subsequent conviction of specified animal fighting provisions is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$25,000, or by both that imprisonment and fine, except in unusual circumstances where the interests of justice would be better served by the imposition of a lesser sentence. The bill would also provide that aiding and abetting a cockfight shall consist of something more than merely being present or a spectator at a place where that fighting is occurring. Because this bill would change the definition of various crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 597b of the Penal Code is amended to read:

597b. (a) Except as provided in subdivision (b), any person who, for amusement or gain, causes any bull, bear, or other animal, not including any dog, to fight with like kind of animal or creature, or causes

any animal, including any dog, to fight with a different kind of animal or creature, or with any human being; or who, for amusement or gain, worries or injures any bull, bear, dog or other animal, or causes any bull, bear, or other animal, not including any dog, to worry or injure each other; and any person who permits the same to be done on any premises under his or her charge or control; and any person who aids, abets, or is present at the fighting or worrying of an animal or creature, as a spectator, is guilty of a misdemeanor.

(b) Notwithstanding subdivision (a), any person who, for amusement or gain, causes any cock to fight with another cock or with a different kind of animal or creature or with any human being; or who, for amusement or gain, worries or injures any cock, or causes any cock to worry or injure another animal; and any person who permits the same to be done on any premises under his or her charge or control, and any person who aids or abets the fighting or worrying of any cock is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.

(c) A second or subsequent conviction of this section, Section 597c, or Section 597j is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed twenty-five thousand dollars (\$25,000), or by both that imprisonment and fine, except in unusual circumstances where the interests of justice would be better served by the imposition of a lesser sentence.

(d) For the purposes of this section, aiding and abetting a violation of this section shall consist of something more than merely being present or a spectator at a place where a violation is occurring.

SEC. 2. Section 597c of the Penal Code is amended to read:

597c. (a) Except as provided in subdivision (b), whoever owns, possesses, keeps, or trains any animal, with the intent that the animal shall be engaged in an exhibition of fighting, or is present at any place, building, or tenement, where preparations are being made for an exhibition of the fighting of animals, with the intent to be present at that exhibition, or is present at that exhibition, is guilty of a misdemeanor.

(b) Notwithstanding subdivision (a), whoever owns, possesses, keeps, or trains any cock or other bird, with the intent that the cock or other bird shall be engaged in an exhibition of fighting is guilty of a crime punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.

(c) A second or subsequent conviction of this section, Section 597b, or Section 597j is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed



twenty-five thousand dollars (\$25,000), or by both that imprisonment and fine, except in unusual circumstances where the interests of justice would be better served by the imposition of a lesser sentence.

(d) This section shall not apply to an exhibition of fighting of a dog with another dog.

SEC. 3. Section 597i of the Penal Code is amended to read:

597i. (a) It shall be unlawful for anyone to manufacture, buy, sell, barter, exchange, or have in his or her possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) Any person who violates any of the provisions of this section is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine and upon conviction thereof shall, in addition to any judgment or sentence imposed by the court, forfeit possession or ownership of those implements.

SEC. 4. Section 597j of the Penal Code is amended to read:

597j. (a) Any person who owns, possesses, keeps, or trains any bird or animal with the intent that it be used or engaged by himself or herself, by his or her vendee, or by any other person in an exhibition of fighting is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.

(b) This section shall not apply to an exhibition of fighting of a dog with another dog.

(c) A second or subsequent conviction of this section, Section 597b, or Section 597c is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed twenty-five thousand dollars (\$25,000), or by both that imprisonment and fine, except in unusual circumstances where the interests of justice would be better served by the imposition of a lesser sentence.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

